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And the Class

[Additional Counsel on last page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MOSS C. CABALLERO, etc.,

Plaintiffs,

vs.

BANK OF AMERICA, etc., et al.,

Defendants.

Case No.: 5:10-cv-02973 LHK

**STIPULATION FOR ENTRY OF
ORDER OF DISMISSAL OF ALL
CAUSES OF ACTION**

Defendants' Motion to Dismiss and to Strike the Complaint in this matter was fully briefed by the parties and ordered submitted without hearing [Dkt. 24]. The Court issued its Order on the Motion on November 4, 2010 [Dkt. 25]. In its Order, the Court granted Defendants' Motion to Dismiss, with leave to amend only as to the claim brought under California Business & Professions Code Section 17200, et. seq. The Order gave Plaintiff 30 days to amend that claim.

Based on the Court's ruling, Plaintiff has decided not to amend the Complaint. The parties therefore stipulate, based upon the Court's Order, that the Court enter an Order dismissing the Complaint in its entirety, without leave to amend.

1 DATED: November 12, 2010

JENKINS, MULLIGAN & GABRIEL. LLP

3 /s/ Daniel J. Mulligan

4 By: _____

Daniel J. Mulligan

5 Attorneys for Plaintiff Moss C. Caballero

7 DATED: November 12, 2010

SEVERSON & WERSON
A Professional Corporation

9 /s/ Jan T. Chilton

10 By: _____

Jan T. Chilton

11 Attorneys for Defendants
12 Bank of America, N.A. and
13 Federal National Mortgage Association

14 BARRETT, DAFFFIN, FRAPPIER, TREDER
15 & WEISS, LLP

16 By: /s/ Edward A. Treder _____

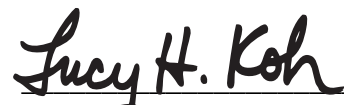
17 Attorneys For Defendant NDEX West, LLP

19 **ORDER**

20
21 Based on the parties' stipulation, the case is DISMISSED WITH PREJUDICE. The Clerk
22 shall close the file.

23 **IT IS SO ORDERED.**

24
25 Dated: November 12, 2010



LUCY H. KOH

United States District Judge